

### **Remarks**

The non-final Office Action dated February 19, 2009 lists the following rejections: claims 1-14 stand rejected under 35 U.S.C. § 102(b) over Pulvirenti (U. S. Patent 5,760,613); and claims 9-11 stand rejected under 35 U.S.C. § 112(1). In this discussion set forth below, Applicant does not acquiesce to any rejection or averment in the instant Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the § 102(b) rejection of claims 1-14 because the '613 reference does not correspond to aspects of the claimed invention directed to a comparator configured to output a signal responsive to the voltage across main cell controlled outputs and a diode orientated to pass current between the output of the comparator and a control input. The '613 reference does not teach that current is passed between the output of comparator 12 (*i.e.*, the asserted comparator) and the input connected to the gates of transistors M10 and M11 (*i.e.*, the asserted control input). Instead, the output of comparator 12 is provided to the gate of transistor M12, which connects the input to the gates of transistors M10 and M11 to ground. *See, e.g.*, Figure 4. As such, the '613 reference does not pass current between the output of comparator 12 and the input connected to the gates of transistors M10 and M11. With regard to the Examiner's assertion that transistor M12 "consists of two diodes," Applicant notes that transistor M12 does not correspond to Applicant's diode because transistor M12 does not pass current between the output of comparator 12 and a control input, as claimed. Accordingly, the § 102(b) rejection of claims 1-14 is improper and Applicant requests that it be withdrawn.

Regarding, the § 112(1) rejection of claims 9-11, Applicant has amended claims 9 and 10 to indicate that the measurement circuit outputs a signal for driving the control input. Applicant submits that such aspects are fully supported by Applicant's disclosure. *See, e.g.*, circuit 36 of Applicant's Figure 2. Thus, Applicant requests that the § 112(1) rejection of claims 9-11 be withdrawn.

App. Serial No. 10/561,783  
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In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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